

CASE STUDY MATERIALS

June 2019
Level 6
CRIMINAL LITIGATION
Subject Code L6-18



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 18 – CRIMINAL LITIGATION*

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

Instructions to Candidates Before the Examination

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or textbooks except a Statute Book, where permitted, into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

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* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer with the firm of Kempstons. You are currently working in the Criminal Litigation Department of the firm, which has a standard criminal contract and participates in a number of local duty solicitor schemes. Among the cases being handled by the Department at the present time are the following:

CASE ONE : GEORGE DIXON

George Dixon is an established client of your firm, and you are well aware that he has a number of convictions for commercial burglary and handling stolen property from such burglaries. In the past, he has also been involved in such burglaries with criminals from London. He is currently under arrest in connection with a commercial burglary, having been arrested four hours ago on 24 May.

You attend the police station and speak to the officer in the case, DS Rowan. You make a note of what he tells you (**Document 1**) and also of what you have noted from the custody record (**Document 2**). You then speak to the client and make a note of his statement to you (**Document 3**).

CASE TWO: ASHWINI SODHA

This client, aged 16, has been granted bail to attend court, having been charged with theft of a mobile phone and possession of a bladed article in a public place. Kempstons did not represent her in relation to her arrest and questioning at the police station.

The brief circumstances of the alleged offence are that a group of teenage girls were sitting in a park chatting. Two other teenage girls, one of whom is alleged to be your client, then approached them. One of the girls who was sitting had her mobile phone in her hand and it is alleged that your client grabbed the mobile phone from her. When the victim tried to get the phone back, it is alleged that your client pulled a kitchen knife out of her pocket, which she held in front of her. It had a blade that was five or six inches long. She then told the victim and her friends to go away, and they did.

According to the transcript of her interview, your client stated that she had approached the victim because the friend who was with her had previously told her that the victim had earlier stolen her mobile phone from her desk at school. Your client believed that she was simply recovering the phone, to return it to its rightful owner. She denied possessing or using a knife and stated that what she produced was a rape alarm, which she brandished because she felt threatened by the other group.

There is a condition attached to your client's bail that she should not go within a 400-metre radius of the park where the alleged offence took place.

Your client has previous findings of guilt for malicious wounding and possession of a bladed article in a public place and completed an eight-month Detention and Training Order six months ago.

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CASE THREE: KEVIN BROWN

This client, aged 28, is charged with two offences of theft. The total amount involved is £3,000. One charge relates to the theft of cash and the other to the theft of a quantity of wine and spirits.

Kevin Brown was formerly the bar secretary at a rugby club. His functions included ordering and checking stock levels, paying suppliers, and checking and banking the takings. The cash is alleged to have been stolen from the takings following a beer festival organised at the club. The theft of the stock, consisting of ten cases of wine and two cases of gin, is alleged to have been covered up by falsified stock records.

Your client is of previous good character. He is a serving member of the Territorial Army. He is currently undertaking a postgraduate teaching qualification, and his total net income is approximately £12,000 per annum. He has recently inherited a sum of £50,000 from his late grandmother.

Kevin Brown is currently on unconditional bail and is due to make his first appearance in court in two days' time.

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DOCUMENT 1

NOTE OF MEETING WITH GEORGE DIXON

On the night of 18–19 May 2019, a burglary took place at King Charles Building Supplies, Logan Road, Ramsey. The log of the intruder alarm system indicates that the system malfunctioned at 01.45 that night. The three guard dogs were found dead the following morning, and pathology reports indicate that they had consumed meat poisoned with strychnine.

The main building was entered by forcing a door. Approximately £30,000 in cash and a quantity of professional power tools, mainly saws, heavy-duty drills and pressure washers to a value of some £20,000, were stolen. The power tools were in the warehouse section.

There is a CCTV system that is independent of the intruder alarm and this captured images of the burglary. Three men were involved in the actual entry to the premises. All were wearing balaclava helmets and hooded tops, so they cannot be identified. Two were of average build, while the other was tall and heavily built.

However, the images show that they behaved as though they were familiar with the internal layout of the building, going straight to the concealed safe and also targeting only specific items in the warehouse. They also appeared to know where to find the keys to a Ford Transit van operated by the company, into which they loaded the stolen items and in which they made their getaway.

As the following day was a Sunday, a day on which the company does not trade, the burglary was only discovered on Monday, 20 May.

The van was discovered in a remote rural location on 22 May. It had been extensively damaged by fire, which appears to have been started deliberately. The rear number plate was intact and various items have been recovered from the cargo compartment, which was less seriously damaged.

Further enquiries have revealed the following:

- An ex-employee of King Charles, James Quaide, who was recently dismissed for poor time-keeping, has been interviewed. He has stated that he was approached about two weeks prior to the burglary by a man he knows only as 'Big Geordie', who asked him for information about the internal layout and systems at King Charles's premises. After being bought a number of drinks, Quaide did provide this information. He has been bailed pending further enquiries.
- DNA analysis of a glove found in the van is a match to your client's sample on record with a probability of error of 1 in 50 million. There is also other human DNA on the glove that does not match to any held on record.
- A witness, Barry Corkish, who is a retired police sergeant, has come forward. He has stated that while walking his dog on the morning of 19 May about half a mile from the location of the burnt-out van, he saw two men standing by the side of the road. As he was walking towards them, a Mercedes van drove towards them, stopped and they got into it. The van then drove off. The witness has given a description of the van and part of the number plate.

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This appears to relate to a hired van, which was hired in the name of Carole Wiggins, who is the wife of Terry Wiggins, who was a co-accused of George Dixon in relation to several of his previous convictions. The witness has indicated that he believes he could identify the two men and has given a description. He described one of them as tall and heavily built, aged in his mid-30s, a white male with long mid-brown hair.

DOCUMENT 2

NOTE FROM THE CUSTODY RECORD OF GEORGE DIXON

Arrested at home 12.30 pm, 24 May 2019. Conveyed to police station. Detention authorised for questioning 13.00. Rights given.

13.30 Request to telephone an associate denied on authority of duty inspector – likelihood of alerting persons still at large, impeding recovery of stolen property.

13.45 Saliva swab taken for DNA matching.

14.00 Legal advice requested, Duty Solicitor Call Centre notified.

15.30 Detained person complained of feeling ill – diabetic, needed insulin, medical officer authorised self-administration.

17.45 Legal representative attended.

DOCUMENT 3

NOTE ON GEORGE DIXON'S STATEMENT

George Dixon of Flat 3, 219 Bucks Road, Luton, will say:

I am 35 years of age and reside at the above address. I presently work as a kitchen porter at the Topham Hotel in Luton. I have a number of convictions for offences of dishonesty, dating back to 1998, and I accept that from 2002 to 2007 I was living a criminal lifestyle, in Luton and also in London. Most of my offences were burglaries of commercial premises, stealing high-value, readily saleable goods in conjunction with a number of other similar career criminals. However, after serving a long sentence of imprisonment, I decided to change my way of life, and I have not reoffended since my release from prison in 2014.

I categorically deny any involvement in the burglary at King Charles Building Supplies. I was working the late shift at the hotel that night. I am paid from 8.00 pm to 2.00 am, but there is no-one who can actually confirm I was there until that time, as the chefs finish earlier, and I clean up, put out the rubbish and load the dishwashers by myself. I then leave by the main door, but I cannot recall if the night porter was at reception that night. Luton is about 30 miles from Ramsey.

I am told my DNA has been found on a glove in a Ford Transit van used in the burglary. You will recall that it was a very cold winter, and I remember lending a pair of gloves to a friend who works outside a lot. It was an old pair and I told him I did not want them back. I do not want to get him into trouble, as I still believe it is wrong to inform on people, and anyway, he might have passed the gloves on to someone else or lost them.

I did not have any conversations about the arrangements at the company either. I do not know James Quaide. I am generally called Geordie, and occasionally Big Geordie (I am 6'6" and 19 stone).

End of Case Study Materials

